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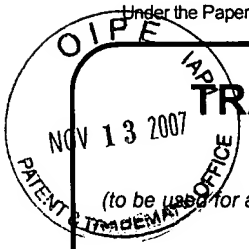

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/628,775
Filing Date	July 29, 2000
First Named Inventor	Koichi Kokusho
Group Art Unit	2625
Examiner Name	Robinson, Myles D.
Total Number of Pages in This Submission	Attorney Docket Number: 351778.04400

ENCLOSURES *(check all that apply)*

- ☒ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Response
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Assignment Papers *(for an Application)*
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
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- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☒ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) *(please identify below)*:

  Return Postcard
  Certificate of Express Mail
  US 5,974,401
  US 6,573,927
  US 5,606,365
  US 6,642,956

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm *or* Individual name	Doyle B. Johnson (Reg. No. 39,240) Reed Smith LLP
Signature	
Date	November 13, 2007

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 510.

Complete if Known	
Application Number	09/628,775
Filing Date	July 29, 2000
First Named Inventor	Koichi Kokusho
Examiner Name	Robinson, Myles D.
Art Unit	2625
Attorney Docket No.	351778.04400

METHOD OF PAYMENT *(check all that apply)*

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-2603

Deposit Account Name: REED SMITH LLP

The Director is authorized to: *(check all that apply)*

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☒ Charge any additional fee(s) during the pendency of this application

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	
				SUBTOTAL (1)	($) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims	9	**11	0	X	50.	=	0.
Independent Claims	3	**3	0	X	200.	=	0.
Multiple Dependent				X		=	0

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) 0.

**or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	510.
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive – unavoidable	
1453	1,500	2453	750	Petition to revive – unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
				Other fee (specify)	

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** ($) 510.

SUBMITTED BY				Complete *(if applicable)*	
Name (Print/Type)	Doyle B. Johnson	*Registration No. (Attorney/Agent)*	39,240	*Telephone*	415-659-5969
Signature				*Date*	November 13, 2007

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Attorney's Docket No. 351778.04400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the application of: Kokusho Serial No.: 09/628,775 Filed: July 29, 2000 For: PRINT ORDER DELIVERY SYSTEM AND METHOD, DIGITAL CAMERA, CLIENT INFORMATION REGISTRATION DEVICE, ORDERING TERMINAL, AND PRINTING SYSTEM	Examiner: Robinson, Myles D. Group Art Unit: 2625 **APPELLANTS' BRIEF**

APPEAL BRIEF

Board of Patent Appeals and Interferences
Mail Stop Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from the Final Office Action dated June 13, 2007, finally rejecting Claims 24 – 34, inclusive.

Real Parties in Interest

The assignee Sony Corp. is the real parties in interest.

Related Appeals and Interferences

There are no related appeals or interferences known to Appellants or the Appellants' legal representative, which will directly affect or be directly affected by or have a bearing on the Board's decision on this appeal.

Status of the Claims

Claims 1 – 23 are cancelled and Claims 24 – 34 are pending. Claims 24 – 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Enomoto et al. (U.S. Patent No. 5,974,401), in view of Parulski et al. (U.S. Patent No. 6,573,927), and in view of Maurinus et al. (U.S. Patent No. 5,606,365), and further in view of Safai (U.S. Patent No. 6,642,956). Claims 32 – 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Enomoto et al., in view of Maurinus, and further in view of Safai. The rejection of Claims 24 – 34 is the subject of this Appeal.

Status of Amendments

No amendments after the final rejection have been filed.

Summary of Claimed Subject Matter

As disclosed in the Figures and described in the specification, the present claims are directed to a method and system for ordering digital prints. The present invention has unique device identification data, associated with each camera, which is used to facilitate the ordering of prints by storing the user information, which includes user address and/or billing information, associated with each unique device identification data.

In more specific detail, the independent claims map to the specification and drawings as follows:

24. A print order/delivery system comprising: **[Fig. 1]**

a registration apparatus that assigns unique device identification data to an electronic device and registers a user in such a way as to associate the user with the identification data; **[Fig. 1, element 3; pg. 7:12-13; 8:7-18; 16:8-17:15]**

an ordering apparatus that transmits pictorial data to a print order receiving side along with the identification data and order data; **[Fig. 1, element 4, 5]**

a printer on the print order receiving side that prints a picture based on the pictorial data and the order data, which are transmitted from the ordering apparatus; and **[Fig. 1, element 13]**

a user management apparatus, on the print order receiving side, that recognizes the user from a group of registered users, based on the identification data which is transmitted from the ordering apparatus; **[Fig. 1, computer 7; 11:3-14]**

wherein the registration apparatus is configured to receive user information, and to assign the unique device identification data based on the received user information to the electronic device, which electronically takes a picture and generates the pictorial data, the electronic device receiving and storing the unique device identification data assigned by the registration apparatus, wherein the user information includes address information and/or billing information, and the user information and unique device identification data are stored and used to facilitate the ordering of prints of the pictorial data based on the unique device identification data, such that when the user management system recognizes the user based on the identification data, the user information is automatically retrieved for purposes of ordering the prints; and **[6:8-17:15; 28:20-30:8]**

wherein the ordering apparatus is configured to receive the identification data and the pictorial data stored in the electronic device or a recording medium which is attached to the electronic device, and to transmit the pictorial data and the identification data to the print order receiving side along with the order data. **[30:9-16]**

28. A print order/delivery method comprising: **[Fig. 1]**

assigning unique device identification data to an electronic device; **[Fig. 1, element 3; pg. 7:12-13; 8:7-18; 16:8-17:15]**

registering a user in such a way as to associate the user with the identification data, wherein based on received user information, the unique identification data is assigned and stored in the electronic device, which electronically takes a picture and generates pictorial data; **[Fig. 1, element 3; pg. 7:12-13; 8:7-18; 16:8-17:15]**

transmitting the pictorial data to a print order receiving side along with the identification data and order data, wherein the pictorial data and the identification data

are removed from the electronic device or a recording medium which has been attached to the electronic device; **[30:9-16]**

recognizing, on the print order receiving side, the user from a group of registered users based on the supplied identification data; and **[11:3-14]**

printing a picture based on the pictorial data and the order data, wherein the user information includes address and/or billing information, and the user information and unique device identification data are stored and used to facilitate the ordering of prints of the pictorial data based on the unique device identification data, such that when the user is recognized based on the identification data, the user information is automatically retrieved for purposes of ordering the prints. **[28:20-30:8; 30:17-31:2]**

32. A printing system for printing a picture taken by a digital camera, which has been previously assigned a unique identification data associated with the camera, comprising: **[Fig. 1]**

a receiver **[computer 7]** that receives the unique device identification data and user information transmitted from a registration apparatus **[element 3]**, the registration apparatus registers a user associated with the identification data, the receiver also receives pictorial data of the picture, the identification data and order data transmitted from a print ordering side; **[7:12-13; 8:7-18; 16:8-17:15]**

a printer that prints a picture based on the pictorial data on the basis of the received order data; and **[Fig. 1, element 13]**

a user management apparatus that recognizes a user from a group of registered users on the basis of the received identification data, wherein the user information includes address and/or billing information, and the user information and unique device identification data are stored and used to facilitate the ordering of prints of the pictorial data based on the unique device identification data, such that when the user management system recognizes the user based on the identification data, the user information is automatically retrieved for purposes of ordering the prints. **[Fig. 1, computer 7; 6:8-17:15; 11:3-14; 28:20-30:8]**

These mappings are illustrative only, and are provided as required, but are not intended to limit the scope or content of the claims beyond the specific language of the claims. In addition, other portions of the specification and drawings may provide similar support for the claims as well.

Grounds of Rejection to be Reviewed on Appeal

The rejections of Claims 24 – 31 under 35 U.S.C. § 103(a) as being unpatentable over Enomoto et al. (U.S. Patent No. 5,974,401), in view of Parulski et al. (U.S. Patent No. 6,573,927), and in view of Maurinus et al. (U.S. Patent No. 5,606,365), and further in view of Safai (U.S. Patent No. 6,642,956); and Claims 32 – 34 under 35 U.S.C. § 103(a) as being unpatentable over Enomoto et al., in view of Maurinus, and further in view of Safai. are respectfully traversed. The combination of the cited references fails to support the rejection of the pending claims.

Argument

I. Procedural Background

This case was filed on July 29, 2000 with Claims 1 – 23. On August 10, 2004, a Restriction Requirement was mailed restricting Claim 1 – 8 and 20 – 23 as Group I, Claims 9 – 14 as Group II, and Claims 15 – 19 as Group III. In a response dated Oct. 27, 2004, the Applicant elected to prosecute Group I, Claims 1 – 8 and 20 – 23. Claims 7 – 19 were noted as being cancelled. As the cancelled claims overlapped with the elected Claims, the Applicant filed a corrected response on June 6, 2005, electing Group I, and cancelling Claims 9 – 19.

In a first Office Action dated Aug. 25, 2005, Claims 1 – 8 and 20 – 23 were rejected. The Applicant submitted a response on Jan. 23, 2006. Claims 1 – 8 and 20 – 23 were cancelled and Claims 24 – 34 were added. A final Office Action was mailed on April 10, 2006 rejected Claims 24 – 24. The Applicant filed an RCE and Preliminary Amendment on July 10, 2006. Claims 24, 28 and 32 were amended. An Office Action was mailed on Oct. 4, 2006, again rejecting Claims 24 – 34. The Applicant responded on March 28, 2007 to the rejection and no further claim amendments were made. A final Office Action was mailed on June 13, 2007 maintaining the rejection of Claims 24 – 34.

II. The rejection of Claims 24 – 31 under 35 U.S.C. § 103(a) as being unpatentable over Enomoto et al. ("Enomoto"), in view of Parulski et al. ("Parulski"), and in view of Maurinus et al. ("Maurinus"), and further in view of Safai (Safai)

The present claims are directed to a system and method for ordering digital prints. The present invention has unique device identification data, associated with each camera, which is used to facilitate the ordering of prints by storing the user information, which includes user address and/or billing information, associated with each unique device identification data.

Specifically, independent Claims 24 and 28 include the limitations that unique identification data is associated with each camera. The unique identification data is associated with user data and stored. The user data includes address and/or billing information for each customer.

In contrast to the present invention as currently claimed, the Maurinus reference stores pixel mapping data and other camera specific technical data in a database that can be accessed using a unique camera identifier. While the Maurinus reference mentions ordering prints (col. 9, lines 53 – 65), it does not teach or suggest that the camera ID code can be used to retrieve user information, such as address and/or billing information, as opposed to only technical information pertaining to unique technical issues for each camera (i.e. pixel maps of "dead" pixels, etc.).

The Examiner has added the Safai reference in an attempt to overcome the shortcomings of the other cited references. However, Safai also fails to teach or suggest a system as currently claimed. Specifically, according to the present invention, the unique camera ID is used to register the camera and user with a print ordering system to facilitate the ordering of print images. In contrast, the "Authentication Stamp" block 418 illustrated in Fig. 4 of Safai, merely applies a digital signature stamp to each digital picture to authenticate the camera, author or date of a particular digital image. For example, the patent states:

> The authenticity stamp is useful for many purposes including, for example, authenticating the source camera, image author, and image date of any digital image so stamped. (col. 15:36-39)

The cited sections, and the "Authentication Stamp" block 418 do not teach or suggest "the user information includes address information and/or billing information, and the user information and unique device identification data are stored and used to facilitate the ordering of prints of the pictorial data based on the unique device identification data, such that when the user management system recognizes the user based on the identification data, the user information is automatically retrieved for purposes of

ordering the prints" (Claim 24 and 28). The Safai reference does not teach or suggest using the authentication stamp as a means to register the camera with a print ordering service, and linking user information.

Only be using impermissible "hindsight reconstruction" can the four cited references even be combined, as they are not all directed to a print ordering system. While there is no bright line as to how many references are "too many" for purposes of supporting an obviousness rejection, the mere fact that the Office Actions has to rely on four different references tends to indicate that the prior art does not reasonably suggest the present invention to one of skill in the art. And as argued above, even the combination fails to teach or suggest the present claims. Thus, it is believed that the cited prior art of record does not fairly teach or suggest a system that facilitates the ordering of prints by associating a unique device identification data with user address and/or billing information. The present invention greatly simplifies the need to re-enter such information each time a print order is processed. As discussed above, Maurinus and Safai fail to teach or suggest the need for such a system.

Dependent Claims 25 – 27 and 29 – 31 are allowable for at least the reasons noted above with respect to Claims 24 and 28..

III. The rejection of Claims 32 – 34 under 35 U.S.C. § 103(a) as being unpatentable over Enomoto et al., in view of Maurinus, and further in view of Safai

Claims 32 – 34 are allowable for at least the reasons noted above with respect to Claims 24 and 28.

Conclusion

The Examiner's rejection is clearly erroneous and should be reversed.

The Commissioner is hereby authorized to charge any fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR §1.78 to Deposit Account No. 50-2603, **referencing Attorney Docket No. 358623.00100**. **This document is submitted in duplicate**.

Respectfully submitted,

REED SMITH LLP

Dated: November 13, 2007 By: _____

Name: Doyle B. Johnson
Registration No. 39,240
Attorneys for Appellants

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Appendix (Claims)

24. A print order/delivery system comprising:

a registration apparatus that assigns unique device identification data to an electronic device and registers a user in such a way as to associate the user with the identification data;

an ordering apparatus that transmits pictorial data to a print order receiving side along with the identification data and order data;

a printer on the print order receiving side that prints a picture based on the pictorial data and the order data, which are transmitted from the ordering apparatus; and

a user management apparatus, on the print order receiving side, that recognizes the user from a group of registered users, based on the identification data which is transmitted from the ordering apparatus;

wherein the registration apparatus is configured to receive user information, and to assign the unique device identification data based on the received user information to the electronic device, which electronically takes a picture and generates the pictorial data, the electronic device receiving and storing the unique device identification data assigned by the registration apparatus, wherein the user information includes address information and/or billing information, and the user information and unique device identification data are stored and used to facilitate the ordering of prints of the pictorial data based on the unique device identification data, such that when the user management system recognizes the user based on the identification data, the user information is automatically retrieved for purposes of ordering the prints; and

wherein the ordering apparatus is configured to receive the identification data and the pictorial data stored in the electronic device or a recording medium which is attached to the electronic device, and to transmit the pictorial data and the identification data to the print order receiving side along with the order data.

25. The print order/delivery system according to Claim 24, wherein the electronic device is a digital camera comprising a non-volatile memory for storing the identification data.

26. The print order/delivery system according to Claim 25, wherein the recording medium is a memory card and the digital camera comprises a recorder that records the identification data read out from the non-volatile memory and the generated pictorial data on the memory card, wherein the ordering apparatus is configured to receive the identification data and the pictorial data from the memory card.

27. The print order/delivery system according to Claim 24, further comprising:

an accounting unit that calculates a charge on the basis of the order data, and that performs accounting processing on the basis of a result of the calculation.

28. A print order/delivery method comprising:

assigning unique device identification data to an electronic device;

registering a user in such a way as to associate the user with the identification data, wherein based on received user information, the unique identification data is assigned and stored in the electronic device, which electronically takes a picture and generates pictorial data;

transmitting the pictorial data to a print order receiving side along with the identification data and order data, wherein the pictorial data and the identification data are removed from the electronic device or a recording medium which has been attached to the electronic device;

recognizing, on the print order receiving side, the user from a group of registered users based on the supplied identification data; and

printing a picture based on the pictorial data and the order data, wherein the user information includes address and/or billing information, and the user information and unique device identification data are stored and used to facilitate the ordering of prints of the pictorial data based on the unique device identification data, such that when the user is recognized based on the identification data, the user information is automatically retrieved for purposes of ordering the prints.

29. The print order/delivery method according to Claim 28, wherein the electronic device is a digital camera comprising a non-volatile memory, and the identification data is stored in the non-volatile memory.

30. The print order/delivery method according to Claim 29, wherein the recording medium is a memory card and the identification data read out from the non-volatile memory and is recorded on the memory card, along with the generated pictorial data.

31. The print order/delivery method according to Claim 28, wherein on the print order receiving side, a cost charge of the print is calculated on the basis of the order data, and accounting processing is performed on the basis of a result of the calculation.

32. A printing system for printing a picture taken by a digital camera, which has been previously assigned a unique identification data associated with the camera, comprising:

a receiver that receives the unique device identification data and user information transmitted from a registration apparatus, the registration apparatus registers a user associated with the identification data, the receiver also receives pictorial data of the picture, the identification data and order data transmitted from a print ordering side;

a printer that prints a picture based on the pictorial data on the basis of the received order data; and

a user management apparatus that recognizes a user from a group of registered users on the basis of the received identification data, wherein the user information includes address and/or billing information, and the user information and unique device identification data are stored and used to facilitate the ordering of prints of the pictorial data based on the unique device identification data, such that when the user management system recognizes the user based on the identification data, the user information is automatically retrieved for purposes of ordering the prints.

33. The printing system according to Claim 32 further comprising:

an accounting unit that calculates a charge on the basis of the order data, and that performs accounting processing on the basis of a result of the calculation.

34. The printing system according to Claim 33, wherein the user management apparatus comprises a database containing the user information associated with the identification data.

Evidence Appendix

Attached hereto is a true and correct copy of Enomoto et al. (U.S. Patent No. 5,974,401), Parulski et al. (U.S. Patent No. 6,573,927), Maurinus et al. (U.S. Patent No. 5,606,365), and Safai (U.S. Patent No. 6,642,956).

Related Proceedings Appendix

Not applicable.